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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,457	10/15/2004	Peter Neumann	112740-1017	9884

29177 7590 07/28/2008

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EXAMINER	
DOAN, KIET M	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,457	NEUMANN, PETER	
	Examiner	Art Unit	
	KIET DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is response to Remarks file on 04/14/2008.

- Claims 9, 15 and 16 are amended. Therefore the office withdrawn the rejection under 35 U.S.C. 112, first paragraph.

Response to Arguments

2. Applicant's arguments filed 04/14/2008 have been fully considered but they are not persuasive.

In response to applicant's argument in claim 9 (similar recited limitation in claims 15 and 16) that the cited art, alone and in combination, fails to teaches "transmitting a sequence in a message sent to the mobile station...and providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence", Wherein the sequence act like a password/secret transmit to certain mobile.

Examiner respectfully disagrees and maintains the rejections based on claims language which broadly interpreted transmitting sequence. Jang teaches "transmitting a sequence in a message sent to the mobile station (Paragraphs [0032-0033] teach BSC compose message and broadcast to mobile terminal, wherein the message transmit to mobile device respectively for predetermined of time (or number of message) which read on transmitting sequence). Further, Koorapaty teaches

providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the

connection establishment communicates the sequence" (Col.1, lines 65-67, Col.2, lines 1-2, Col.3, lines 15-60 teach the base station sent control message to mobile station which cause the mobile station transmit know message sequence wherein base station will determined the location of mobile station and provide connection).

Therefore, examiner interpreted "transmitting a sequence in a message sent to the mobile station…and providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence" using Jang and Koorapaty references with broadest reasonable interpretation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 9, 10 and 12-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (US 2002/0173316 A1) in view of Koorapaty et al (UA 6,289,211B1).

Consider **claim 9, 15, 16.** Jang teaches a method for controlling establishment of connections to mobile stations present in an area of a disaster (Abstract, Paragraph [0024] teach provide connection in an event of emergency overload), the method comprising:

transmitting a sequence in a message sent to the mobile stations in at least one cell of a mobile radio network present in the area (Paragraphs [0032-0033] teach BSC compose the message and transmitted to mobile repeatedly which read on transmitting a sequence in a message sent to the mobile). Jang teaches the claimed limitation as discussed above **but is silent on**

providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence.

In an analogous art, Koorapaty teaches "Method for determining the position of a mobile". Further, **Koorapaty teaches** providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence (Abstract, C1, L65-67, C2, L1, 1-2, Column 3, teach the AMPS system provide a distinct frequency band and only mobile station 16 can be use which read on destination called and wherein the base station cause mobile station to transmit sequence message).

It would have been obvious at the time that the invention was made to modify Jang with Koorapaty's system, such that in an area of disaster, base station transmitting a sequence in a message sent to the mobile stations and in order to connection the mobile station establishment the sequence to provide means for the users capable transmitted or received service without interrupt or disconnect during emergency or system overload.

Consider **claim 10.** The combination of Jang and Koorapaty teach a method for controlling establishment of connections to mobile stations as claimed in claim 9, further Koorapaty teaches wherein the sequence is transmitted as a cell broadcast short message (Col.3, Lines 21-37 teaches the base station sends control message to mobile station that contain message word which inherent that the sequence is transmitted as cell broadcast short message).

Consider **claims 12, 13**. The combination of Jang and Koorapaty teach the method for controlling establishment of connections of mobile stations as claimed in claim 9, further Jang teaches wherein the transmission of the sequence occurs via an SIM application toolkit of a mobile station, the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station and a terminal number of the mobile radio to one of the mobile radio network and a destination (Paragraph [0028]).

Consider **claim 14.** The combination of Jang and Koorapaty teach a method for controlling establishment of connections of mobile stations as claimed in claim 9, further Jang teaches comprising scanning at least one of telephone numbers and mobile station device numbers of the mobile stations in the area to substantially ascertain which of the mobile stations are present in the area (Paragraphs [0027-0028] teach mobile terminal having unique identifying numbers therefor knowing which of the mobile stations are present in the area mobile station).

6. **Claims** 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (US 2002/0173316 A1) in view of Koorapaty et al (UA 6,289,211B1) and further view of Schmidt et al. (US 6,516,200 B1)

Consider **claim 11.** Jang and Koorapaty teach the claimed in claim 9, but is silent on wherein the sequence is transmitted as a circuit switched group call.

In an analogous art, Schmidt teaches "Controlling communications terminal response to group call page based on group call characteristic". Further, **Schmidt teaches** wherein the sequence is transmitted as a circuit switched group call (Col.6, Lines 10-45 teach wireless communication system controlling/overseeing group call).

It would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Jang and Koorapaty with Schmidt's system, such that the sequence is transmitted as a circuit switched group call to provide means for number of users or plurality of mobile station can getting connection in an disaster/emergency area or overload.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Appiah N. Charles can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617